

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,** )  
**PLAINTIFFS,** )  
 )  
v. )Civil Action No. 1:17-CV-2989-A  
 )  
**BRAD RAFFENSPERGER, ET AL.,** )  
**DEFENDANTS.** )  
 )

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**RICARDO DAVIS' CONSOLIDATED REPLY TO  
PLAINTIFFS' AND DEFENDANTS' OPPOSITION TO  
WITHDRAW AND SUBSTITUTE OF COUNSEL**

**COMES NOW, PLAINTIFF RICARDO DAVIS**, who files his consolidated reply to the Plaintiffs' and Defendants' Opposition to Withdraw and Substitute Counsel, and addresses the contentions raised by the Parties, as follows:

1.

Mr. Davis and his counsel intend to abide by the current trial schedule, so as not to delay the trial that Mr. Davis, his fellow Coalition Plaintiffs and the Curling Plaintiffs have long sought.

2.

Mr. Davis has always been in agreement with the Coalition's Plaintiffs' relief seeking the Court to declare the Dominion BMD system is unconstitutional, enter a permanent injunction against using it, and prohibiting Defendants from enforcing Georgia laws that require its use.

3.

Mr. Davis seeks to make additional arguments within the scope of discovery in support of the relief that is being sought in the case.

4.

Mr. Davis has never objected to any additional relief sought by fellow Coalition and Curling Plaintiffs in the case.

5.

Mr. Davis has no motions in limine.

6.

Mr. Davis has no objections to witnesses, depositions or exhibits offered by his fellow Co-Plaintiffs and the Defendants.

7.

Mr. Davis will forego additional exhibits so as not to impact the trial schedule, or limit them to those within scope of discovery, and for which notice was already received by the Parties.

8.

Mr. Davis seeks to add two (2) witnesses previously disclosed in discovery, who have been deposed, and who are experts in their field of forensics, so that they may have the opportunity to show the Court evidence of constitutional deficiencies

in Georgia's Dominion BMD voting system. Those witnesses are Ben Cotton and Jeffrey Lenberg.

9.

Mr. Davis may also call one (1) or two (2) witnesses who were fully disclosed in numerous depositions and can provide supporting evidence to corroborate the testimony of Mr. Davis' experts. These witnesses, who have expertise in forensics and chain of custody, are Paul Maggio and Greg Freemeyer of Sullivan Strickler.

10.

Mr. Davis seeks only to add several additional designations for two (2) deponents who are already included in the Plaintiffs' Joint Deposition Designations. These designations that partially overlap with the existing designations are for Misty Hampton (47:17-51:20, 67:7-67:16, 69:19-70:19, 91:6-95:14, 108:18-110:1, 155:6-159:1, 209:14-210:17) and Cathy Latham (92:2-92:21, 98:4-98:25, 103:22-104:9, 110:10-110:25, 185:5-187:12).

11.

It would be an unnecessary burden to Mr. Davis, the Court, the Defendants and Georgia taxpayers to sever Mr. Davis from the case in which he has been an original plaintiff for six years, just to have a completely redundant trial in the distant future under the same basic conditions and relief that all Plaintiffs seek.

12.

Other arguments made by attorneys for the Curling Plaintiffs are false, irrelevant, diversionary, inflammatory, and political theatre, which Mr. Davis seeks to avoid by his substitution of counsel.

13.

There are different rules that pertain to the withdrawal of counsel as opposed to the substitution of counsel. Coalition Plaintiffs raise procedural arguments against Mr. Harding's representation of Mr. Davis that pertain to the withdrawal of Mr. Ichter, which are inapplicable to Mr. Harding, who filed the appropriate notice of substitution.

As delineated above, there is no just cause to deprive Mr. Davis from the representation he desires. Mr. Davis does not intend to delay trial, has shown that he and his desired counsel are ready to proceed with trial, will introduce only those exhibits that are already included in the exhibit list, will add only those witnesses that have been fully disclosed or deposed, and has not sought a continuance. Any other arguments against the substitution of Mr. Harding are purely conjecture and speculation.

**WHEREFORE**, the Court should **GRANT** Mr. Davis' withdrawal and substitution of counsel.

Respectfully submitted this the 6<sup>th</sup> day of December, 2023.

**HARDING LAW FIRM, LLC**

/s/ Todd A. Harding

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type Times New Roman and point size of 14.

Respectfully submitted this the 6<sup>th</sup> day of December, 2023.

**HARDING LAW FIRM, LLC**

/s/ Todd A. Harding

Todd A. Harding, For the Firm  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2023 a copy of **RICARDO DAVIS'** **CONSOLIDATED REPLY TO PLAINTIFFS' AND DEFENDANTS'** **OPPOSITION TO WITHDRAW AND SUBSTITUTE OF COUNSEL** was electronically filed with the Clerk of Court using the CM/ECF system, which automatically sends notification and a copy of such filing to all attorneys of record.

Respectfully submitted this the 6<sup>th</sup> day of December, 2023.

**HARDING LAW FIRM, LLC**

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